

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

№ 1:05cr01849-15 JH

DANA JARVIS, et al,

*Defendants.*

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**DEFENDANT HOTHAN'S *UNOPPOSED MOTION TO MODIFY*  
*CONDITIONS OF RELEASE***

DEFENDANT MATTHEW HOTHAN, in support of his Unopposed  
*Motion to Modify Conditions of Release*, states:

1. Since 8 September 2005, a span of almost thirty-three (33) months, defendant has been continuously incarcerated,
2. On 6 June 2007 defendant changed his plea to guilty. Doc 1000.
3. Based on the pre-plea investigative report prepared in this case, the lower end of the guideline range is not expected to exceed thirty-three (33) months.
4. Defendant's pre-sentence report has not been completed and the prosecutor contemplates that several defendants will be sentenced together before the trial of the principals.
5. So that defendant will not be prejudiced during any further delay beyond the lower end of his guideline range, the parties have agreed in concept

to his release under such terms and conditions as may be recommended by pre-trial services or otherwise ordered by the court.

6. In the event the court does release defendant, counsel intends to withdraw his pending motion to dismiss because this procedure will prevent the potential for prejudice by excessive pre-sentence incarceration.

7. AUSA James Braun concurs in the relief requested.

WHEREFORE Defendant Hothan requests that the court:

A. After the status conference on Thursday, 17 April 2008, release defendant under such conditions as pre-trial services may then recommend to the court;

B. Schedule a sentence hearing with other defendants who the court intends to sentence before the trial of the principal defendants; and,

C. Grant such further relief as justice requires.

*/s/ Electronic Signature*

Stephen D Aarons

Counsel for Defendant Hothan

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Certificate of Service

A copy of this motion has been provided electronically to opposing counsel:

James R Braun, Assistant US Atty  
Dist of New Mexico  
Post Office Box 607  
Albuquerque NM 87103-0607

/s/ Stephen D Aarons  
Counsel for Defendant Hothan